

**Draft Meeting Summary
Monterey MLPA Regional Working Group, Second Meeting
December 11, 2002
Long Marine Lab, Santa Cruz**

Working Group Members present: Steve Campi, Mark Carr, David Crabbe, Howard Egan, Kaitilin Gaffney, Susan Goldbeck, Michelle Knight, Mike Morris, Holly Price, Juliana Rebagliati, Mike Ricketts, Jesus Ruiz, Art Seavey (confirmation pending), Steve Scheiblaue.

Working Group Members absent: Donna Solomon, Bill Williamson

Department staff present: Maura Leos, Tim Olivas, Paul Reilly, Gina Wade

Expert Advisors present: Rick Starr, UC Sea Grant

RESOLVE staff present: Paul De Morgan

I. Welcome, Introductions, Proposed Meeting Objectives and Agenda

The meeting began with the Regional Working Group (RWG) Coordinator, Paul Reilly of the Department of Fish and Game (DFG), welcoming the members and observers. He then asked everyone to introduce themselves. Mr. De Morgan, Senior Mediator with RESOLVE and the RWG facilitator, then briefly reviewed the agenda, available documents, and ground rules.

Mr. Reilly noted two RWG membership issues of note: 1) Joe Cavanaugh has moved to Florida and his confirmed Alternate, Art Seavey, has been nominated for the Kelp Harvesting position – this appointment is still pending; and 2) Donna Solomon’s appointment as Commercial Fishing representative, replacing Meo Van Nguyen, has been confirmed.

Mr. De Morgan discussed the September RWG meeting summary. Given that this was the first summary, he spent some time confirming the review process with the RWG members. He noted that a copy was not included in the packet of documents because it had been sent out on October 8, 2002 and no comments were received. He indicated that since members had been given an opportunity to comment, the assumption was that the draft was acceptable. He added that in the future, if substantive changes were made to a summary based on comments, a revised version would be sent out prior to the meeting. The group agreed that this process should be used for future summaries.

One comment was raised regarding the summary. A member felt the discussion on the definition of “Non-consumptive Recreation/Diving” was not reflected completely. In particular, it was noted that there had been questions raised about the non-consumptive recreation category including ‘/Diving’ in the title. A change to capture this was suggested and the group approved the change to the summary. Given that the issue had been raised again, the group agreed to recommend the Department shift the listing of both diving representatives on this Working group to “Recreational Diving”, and to drop the “/Diving” from the category “Non-consumptive Recreation/Diving” to better reflect their representation. Mr. Reilly indicated he would confirm this was acceptable and let the RWG members know as soon as possible.

Members then approved the summary.

Mr. De Morgan then asked the RWG members and members of the public to briefly share any information or updates they felt other members of the group might be interested in.

- A paper will be published in Science concerning the Design of Marine Reserves in the Gulf of California (a copy of this paper was distributed).
- A report by Dr. Robert Shipp involving a study of 350 fish species and the effectiveness of Marine Reserves is being peer reviewed and will be published.
- The Monterey Bay National Marine Sanctuary will be establishing a working group on Marine Reserves in January to assist in their management plan review.

II. Department of Fish and Game Updates

Channel Islands MPA Network Decision

Mr. Reilly gave a presentation on the recent adoption by the Fish and Game Commission of a network of MPAs at the Santa Barbara Channel Islands, including an overview of the lengthy process which led to the adoption of the MPAs. He noted that a lawsuit has been filed against the DFG Commission and the Department by a group of commercial and sport fishermen regarding the Channel Islands decision.

In response to some questions from the members, Mr. Reilly offered the following comments:

- The Fish and Game Commission did accept the Department's recommendation.
- The Marine Reserves Working Group reached consensus on MPAs at three of the islands; these were called areas of common ground or areas of overlap.
- Some minor changes were made to these areas based on scientific review.
- There are five Commissioners but only three, enough for a quorum, were at the meeting in Santa Barbara when the Channel Islands MPAs were adopted.
- The Channel Islands hearing was originally scheduled for December but moved up to October. Mr. Reilly indicated he will find out why this happened.

This discussion led to other clarifications and comments related to the MLPA RWG process:

- Even if RWGs develop an alternative with full consensus (for incorporation into the draft Master Plan) their decision can be changed, but the Department would have to provide an explanation.
- The MLPA requires the Department to create the Master Plan but not necessarily implement MPAs.
- Although fishery closures may function as de facto MPAs for some species, they are not MPAs by definition but this issue needs to be discussed further. Some members indicated the Department should look at integrating other fishery closures with this process. The authority is sometimes different. For example, the Pacific Fishery Management Council recommends fishery closures and the Commission and Department conform to them.
- There are no temporal requirements for MPAs in the MLPA, however MPAs are intended to be long-term, even though the Commission has the authority to delete or modify an MPA at any time.

- There was also some discussion about the difference between the objectives for any specific MPA in the MLPA compared with the six general goals. One member indicated the RWG needs to come to consensus on its interpretation of the MLPA.

November 2002 Socioeconomic Workshop Overview

Mr. Reilly presented an overview of the first MLPA Socioeconomic Workshop held in Santa Cruz in November. Handouts were provided, including a complete meeting summary, text from Power Point presentations from two scientists, and some frequently asked questions.

A member asked whether the Department is going to choose an MPA alternative with the least amount of economic impact. Mr. Reilly indicated the Department's intent is to minimize impacts and it would make sense to go that route. For example, given two comparable possible MPAs with equal ecological value and habitat representation, it would be logical to select the one which impacts user groups the least.

Another member asked whether the Department is currently using Dr. Scholz's study (one of the studies discussed at the meeting) Mr. Reilly indicated it can be used by the San Francisco RWG, and in some ways it is similar to the small group discussions which the Department had with constituent groups in the summer and fall of 2001. However, a representative of the Alliance of Communities for Sustainable Fisheries stated that they had originally commissioned the study, but asked that the study be stopped after a vote of no confidence as it did not interview a sufficient number of fishermen.

It was noted that Drs. Pomeroy and Scholz's work focused on short term impacts, however some members indicated they would like to see long term studies and look at the other issues, such as what are the impacts of not establishing reserves. Some members suggested it might be better to bring the scientists into each region on an as-needed basis to work with the RWGs rather than do a "lick and a promise" study.

Members added that more information is needed on non-extractive use. In particular, a concern was raised regarding the sense that socioeconomic studies are currently fisheries driven, and some members indicated non-consumptive values should have equal consideration when considering placement and size of MPA's. One member also requested that more studies be provided to the RWG members citing the importance of non-consumptive values. Others noted that there are some socioeconomic studies completed or in progress, such as in the Channel Islands and Monterey Bay National Marine Sanctuary which the group should utilize.

Finally, the group asked Mr. Reilly whether it would be helpful to provide a recommendation on what should be done with socio-economic studies. Mr. Reilly indicated he would take the question back to the Department.

III. Review, Refine, Finalize and Adopt RWG Operating Principles

Mr. De Morgan reminded the RWG that while the goal of the session was to reach closure on the Operating Principles, they can be revisited as needed in the future. He then walked through the proposed changes section by section.

Section 1 – accepted

Section 2 – After considerable discussion regarding single or multiple alternatives submitted to the Department including discussion on showing what the vote was to indicate level of support, the group agreed to change the last sentence of the third paragraph to read *“While we recognize that multiple proposals may be submitted, the most desired final result will be recommendations for a single preferred alternative for MPAs.”*

Sub-Group sub-section – *Changes accepted.*

MLPA Master Plan sub-section – *Changes accepted.*

Section 3 – Interests Represented sub-section – *Changes accepted.*

Section 4 – Open Meetings sub-section – after some discussion regarding public comment it was agreed to leave the revised language as is since the Department will look at public comments and disseminate them to the group. The group did agree to add the following language at the end of the section, *“There may be some instances where the group chooses to explore other approaches to engaging the public.”*

Breaks and Caucuses sub-section – *Changes accepted.*

Section 5 – This section caused substantial discussion around consensus, quorum, and level of support for alternatives.

Decision Making sub-section – Second sentence will be changed to read *“The group will strive to make decisions by consensus of those present at the meeting, except for decisions on major products, where consensus will be sought from all RWG members.”* A sentence will be added *“When consensus is not achievable, separate sets of recommendations that represent the differing points of view will be communicated to the DFG.”*

Quorum sub-section – *Changes accepted.*

Consensus sub-section – Second paragraph, first sentence cut “even if consensus is not reached.” Second sentence cut “make every effort in any recommendations or other documents developed to.” At end of paragraph, add following sentence, *“In addition, those seats that support or oppose a recommendation will be identified.”*

Commitments of All Members sub-section – after discussion on the meaning of the word support, *Changes accepted.*

Section 6 – after discussion regarding a member’s possible bad faith behavior it was agreed to deal with that if and when it should arise. *Changes accepted.*

There was some discussion regarding the Operating Principles of other Working Groups and whether they conform to each other or are they different. Mr. De Morgan and Mr. Reilly noted there is general consistency but each group has fine-tuned their Operating Principles differently.

It was agreed that Mr. De Morgan will make the agreed-upon changes in red-line strike-out, send them to the members and give them two weeks to comment with a subsequent reminder when they are made final. Ultimately they will be posted to the Departments’ web site.

IV. Public Comment Period

Mr. Jim Willoughby, alternate for Ms. Goldbeck, stated that he should have been at the table when the meeting began since Ms. Goldbeck was absent for the first 20 minutes. Mr. Reilly apologized for this breach in protocol. He indicated that should a member be absent or late, and the alternate be in the room, the alternate should sit at the table until the member arrives to ensure representation. However, the meeting will not be held up if a representative is not present.

Mr. John Fisher stated that the Operating Principle below adopted by the Working Group should be used by all Working Groups: *“In addition, those seats that support or oppose (or the agreement for) a recommendation will be identified.”*

It was advised that the group is not obligated to respond to oral public comment. Once the Commission receives the draft Master Plan a formal public comment period begins and the Department must respond to all comments received.

V. MLPA Process Documents and Tools to Assist the RWGs.

Mr. Reilly briefly reviewed the MLPA Draft Working Group Process Document and the seven steps therein. Mr. Reilly then explained the MLPA Master Plan Annotated Outline, which was provided to members. No comments or questions were put forth.

A general discussion then occurred about some of the tools which either are or will be available to the RWGs to help them develop products. Mr. Reilly briefly explained a draft template being developed by the Department which can be used to evaluate existing and potential MPAs using a matrix format. It would include such categories as depth range, MLPA goals which the MPA does or could fulfill, habitat types, species protected, existing enforcement/compliance and enforcement/compliance needs, and previous research/monitoring. A two-page document was distributed which lists the criteria used by the Master Plan Team scientists to develop the initial draft concepts for MPA networks in 2001. He indicated a flow chart is being developed to show linkages between various entities in the MLPA process as well as timelines.

GIS specialist Gina Wade, DFG, then introduced various layers of GIS software which she indicated the RWG would be able to use in developing recommendations for MPA networks and evaluating existing MPAs. She noted there are other GIS software tools available as well. Key points raised during Ms. Wade's presentation included:

- The software does show kelp beds, and data are available from 2000 but data from 2002 surveys have not been processed yet.
- The GPS can be loaded from the unit itself or from the coordinates provided.
- All the tide pools in the Point Pinos area have been mapped, but tidepool mapping has only occurred in the Monterey Bay area.
- Regarding the scope of biological data, approximately 12 areas within state waters have been mapped in detail. Ms. Wade is also mapping commercial logbook data by DFG block number, including sea urchin, lobster, and CPFV.
- Mapping nearshore fish habitat is another project. The Department does not have specific species mapped or broad scale stock assessments.

VI. Review and Discussion of Existing MPAs

The group reviewed the evaluations of the four existing MPAs which are provided in the binders. (Note from P. Reilly: one additional MPA in this region was unintentionally omitted from discussion, this being the Elkhorn Slough Ecological Reserve). Mr. Reilly discussed general commercial and recreational fishing regulations which apply to the region. Summaries of regulations were provided. A discussion, begun in the morning, continued about fishery closures and how they could or could not be used as de facto MPAs. Mr. Reilly reaffirmed this was an issue he would follow-up on.

Dr. Rick Starr, a RWG alternate, summarized a report about the effectiveness of the no-take MPAs within the Monterey Bay and Channel Islands National Marine Sanctuaries (a copy of the report was given to each member). He suggested that the work relates directly to the group's task of evaluating the existing MPAs in their region. Dr. Starr also discussed the results of his tagging study of lingcod near Sitka, Alaska and its relationship to MPA design.

Mr. Reilly discussed some data sources which will or could be made available to the group:

- Block chart maps – commercial and recreational 2000 and 2001 data for those fisheries requiring logbook data.
- Marine Recreational Fisheries Statistics Survey data, which have recently incorporated site specific data.
- On board observations from CPFVs from 1988 to 1998.

The group then identified existing relevant data sources as well as potential information to be obtained in the future, including:

- The Alliance of Communities for Sustainable Fisheries has hand-drawn maps with fishing use information, including squid, sardine, and anchovy. These maps were developed by the Alliance and Monterey Bay National Marine Sanctuary.
- A study for Monterey County by Carrie Pomeroy and Mike Dalton on socio-economics of Moss Landing Harbor (in progress).

- The Alliance wants to put together a series of questions and interview scientists from other places to create video.
- Several summaries on existing reserves exist. It would be good to have a presentation on how those are working and combine this with video previously suggested. There is an effort underway to have a day and a half panel discussion of scientist to address these issues in May or June
- Some members would like to hear from seabird or marine mammal biologists about regional haulout and nesting sites (it was suggested Mr. Reilly check with Pt. Reyes for a seabird biologist)
- Benthic bottom habitat information is available from NMFS and USGS – Gary Greene at Moss Landing Marine Labs has put that information together.
- It would be useful for group to know what the most popular dive sites are. Divers can draw pictures of the bottom.
- DFG completed a five year summary of kelp resources in 2000.
- The Sanctuary can conduct overflight surveys of kelp beds
- Free divers (CenCal) competition meet statistics are being tracked by DFG biologist David VenTresca.
- The socio-economic study by the Sanctuary would be good to have, although it will not be available for several months.
- Oceanographic patterns from physical oceanographer for consideration of benefits to Marine Reserves (Frank Schwing of NMFS was suggested as a possible resource).

A discussion then occurred on how the group wants to move forward. Ideas suggested and questions asked included:

- Understand all of the data layers available before trying to figure out what is out there; the big picture is needed.
- It would be helpful to bring in some scientist or introduce some research in writing to help determine size, number, and spacing required for an MPA network.
 - Department response: there is no single or simple answer. RWG member Dr. Carr might be able to better explain the idea of a “network.”
- Make sure a Master Plan Team member is present to assist this process.
- We have to start with what our resources are, how the ocean is being used, what our concerns are, and how we fit in the overall picture of the state. Then ask ourselves, do we have something unique here in this region?
- It would be useful to have a large map of the region so each representative can mark on it areas of concern or special value. Gina Wade will provide maps in three or four sections with latitude and longitude lines.
- As a group, we need to look at previously generated maps (e.g., initial draft concept) as reference points. Each proposed site has rationale for inclusion and is a potential source of information
- Marine Reserve design – what percent should be set aside?
 - This question arose in the Channel Islands process (which was different than this one). Two reasons for a percentage – consider fishery management as a primary objective and the computer model required a percentage. The Department does

not have a target percentage for MPAs in any region. The percentage of MPA area in state waters in the draft Master Plan will likely be different among regions.

- How many meetings are we going to have before we have to present a product to the Department?
 - Department response: We do not know that right now but by December 31, 2003 we should have developed a proposed set of alternative MPA networks.
- In the earlier MLPA process there was a presentation describing what kinds of habitat need protection.
- Regarding attendance at future MLPA RWG meetings, Mr. Reilly stated that Tuesdays and Thursdays are the only available days for Dr. Ralph Larson (Master Plan Team Scientist). (Subsequent to that statement Mr. Reilly learned that Dr. Larson is now available Thursdays and Fridays).
- Guidance from Master Plan team is needed on criteria. Mr. Reilly responded that all members have the list of criteria.
- An overview of resources in the region should include desirable kinds of habitats, special features, and oceanographic patterns. Dr. Yoklavich and Dr. Larson have provided that already and needs to be shared with the RWG.
- There was a concern that the RWG may not consider all six MLPA goals but be too fisheries oriented. Criteria ought to be graded on how they meet each goal.
- Spawning and breeding areas also need to be considered.
- Can the Alliance get several of these maps they developed soon?
- The meetings should be organized by what we need to do by when – work backwards to meet the deadlines for each step.
- It would help for the RWG to determine how much homework we need to assign ourselves – we really need to do as much as possible ourselves.

VII. Next Step Tasks, Meeting Summary, and Acknowledgements

In considering next steps, the group discussed how they would be able to accomplish their goals in the time available, especially given the limited resources available to DFG. The idea of having more frequent meetings was raised, but it was also noted this would mean additional funds. One suggestion was for meetings to last two days. The group agreed they needed to continue exploring these ideas with the DFG, but for the short term, proposed having another meeting as soon as possible. The group agreed that if, due to funding considerations, this meeting needs to be held without a facilitator, the meeting should focus on sharing information on the natural resources, habitat, uses and values of the region. Mr. De Morgan and Mr. Reilly indicated they would need to discuss this proposal with the DFG MLPA team in the context of the seven other RWGs work, and agreed to convey a decision as soon as possible. The group agreed on a tentative meeting date (January 28, 2003 in Monterey). Mr. Reilly, Mr. Scheiblaue, and Ms. Knight will work on arranging a location.

There was a brief discussion regarding some questions regarding interpretation of the MLPA. Mr. Egan asked if he could circulate a memo to the group summing up his concerns and the group agreed. In addition, Mr. Reilly and Mr. De Morgan agreed to work with him to examine his issues. Mr. Egan proposed setting up an e-mail list serve as a further tool of communication

between meetings, however, it was agreed that such a proposal should be considered by the full group at a later meeting before any action is taken.

Mr. Reilly and Mr. De Morgan will work on scheduling other meetings. Mr. De Morgan will send out Next Steps as well as the summary, however, due to the holidays, the summary may not go out until early January.